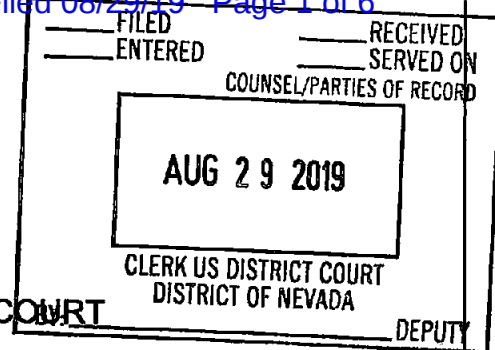


LATONIA SMITH
9748 CANYON LANDING AVE.
LAS VEGAS, NV 89166
725-203-2455
PLAINTIFF IN PROPER PERSON

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA



LATONIA SMITH,

Plaintiff(s),

-vs-

CASE NO. 2:19-cv-00856-DJA

CAESARS ENTERTAINMENT
CORPORATION, a Delaware corporation;
PHWLTV, LLC d/b/a PLANET HOLLYWOOD
RESORT AND CASINO, a Nevada limited
liability company; SHANNON PIERCE;
ETHAN THOMAS,
Defendant(s).

**PLAINTIFF'S REPLY IN SUPPORT OF LEAVE TO FILE AMENDED COMPLAINT
(RESPONSE TO SHANNON PIERCE); MOTION TO STRIKE NEW/ IRRELEVANT
ARGUMENTS/CASE LAW SPECIFIC TO ANTI-SLAPP MOTIONS**

PIERCE ARGUMENTS

Defense for Shannon Pierce argues again, even inserting new arguments, that Plaintiff's lawsuit is a SLAPP lawsuit. Since Plaintiff has already addressed this argument, including the ways in which defendants have failed to meet all prongs in categorizing Ms. Smith's suit as a SLAPP suit, in depth in her Opposition to the motions

1 to dismiss, Plaintiff will not readdress the argument herein. In fact, Ms. Smith moves to
2 strike defense's new arguments concerning references to the SLAPP suit as it is
3 irrelevant to Plaintiff's Motion for Leave to Amend her Complaint and is only being used
4 by defense to add on to the earlier Motion to Dismiss.

5 Defense also argues that Plaintiff fails to state a claim. As with every other
6 challenge defense makes, the blanket claims should be denied by the court.

7 **PLAINTIFF'S BREACH OF CONFIDENTIALITY CLAIM HAS MERIT**

8 Defense's argument about Ms. Pierce not being a party to the settlement, thus
9 being able to breach the settlement effectively undermines every single argument he
10 has made in this case referencing that Ms. Pierce only interacted with Ms. Smith in her
11 capacity as an attorney, and further supports Ms. Smith's claims and her lawsuit
12 concerning Ms. Pierce interacting with her, defaming her, and targeting her outside of
13 her capacity as an attorney and outside of any connections to a litigation (Paragraphs 3-
14 6 of Defendant's Opposition).

15
16 Directly contradicting the statement is defense's next few paragraphs stating that
17 Ms. Pierce was allowed to disclose the agreement "as part of its request for protective
18 or other relief," (meaning defense is now trying to revert back to Ms. Pierce solely acting
19 in her capacity as an attorney thus allegedly giving her the right to disclose the
20 agreement); this also further supports Ms. Smith's claims and lawsuit that Ms. Pierce
21 inappropriately used the legal system (in an attempt to hide behind her job title) to target
22 and defame Ms. Smith, including breaching the confidential settlement agreement,
23 which she never had a right to disclose. Whether her defense wants to argue either of
24 the contradicting, positions, Pierce breached a confidential agreement that she was not
25 at liberty to breach. Defense continues to assert two paragraphs from the agreement,
26 which also undermines his claims, but fails to highlight the terms concerning the
27 "confidentiality" and "disclosure" portion of the agreement, including the fact that any
28

1 public disclosure must have been premised by actual proof of a breach (as the whole
2 agreement was premised on Ms. Smith being absolved from the false accusations) and
3 delivered to Ms. Smith's former counsel. The agreement is on file with the Court,
4 unfortunately, to read. Defense then argues that the third-parties Pierce delivered the
5 agreement to, along with further defamatory statements as evidenced, had an interest in
6 it. This is evidently false. As proven, Ms. Smith was not the subject of her mother's
7 lawsuit and there was absolutely no connection between Ms. Smith and her mother's
8 lawsuit. Further, none of the parties who Pierce disclosed the agreement to knew Ms.
9 Smith until Pierce communicated this to them. The agreement, on its face, prevented its
10 disclosure and particularly in this instance where it was meant to protect Ms. Smith from
11 the very thing Pierce used the agreement to accomplish—a public mudslinging of the
12 Plaintiff based on unfounded allegations, which has caused Ms. Smith irreparable harm.
13 Further, Pierce's attempts to insert Ms. Smith into her mother's lawsuit directly
14 contradicts the standards of a SLAPP lawsuit, which requires that the party alleging a
15 SLAPP suit could not have "made" it a public issue by placing it in a public forum
16 (explained in Plaintiff's Opposition to Motions to Dismiss).

18 Plaintiff incorporates her motion for leave to file an amended complaint herein.

19 **PLAINTIFF'S CIVIL CONSPIRACY CLAIM HAS MERIT**

20 Defense cherry-picks from Plaintiff's Opposition and fails to read the rest of the
21 paragraph concerning defendants' TPO filings, which clearly explain that the issues and
22 their actions go well-beyond just simply "filing TPOs." The TPOs were filed in bad faith
23 and with actual malice, and since Plaintiff has briefed this issue at length, she will not
24 address it again herein. Plaintiff has already addressed defendant's argument about
25 conspiring with itself. Plaintiff contends that Pierce acted in her individual capacity and
26 was not acting on behalf of any clients, especially since Ms. Smith was not the subject
27 of any lawsuit that she was involved when she was engaged in the civil conspiracy to
28

1 target Ms. Smith. Defendant again tries to revert back to hiding behind her job title as an
2 attorney to assert that she could not conspire with clients, but the argument is
3 incognizable as stated directly above and still fails. The Ninth Circuit has held that an
4 attorney/s can be liable under common law torts if s/he goes beyond their proper role,
5 and actively engages in misconduct, and the line must be drawn at the fact that Pierce's
6 alleged "representation" of her clients did not (non-exhaustively herein) include Ms.
7 Smith (who was never even mentioned in Mrs. Peruzar's litigation), did not include the
8 need to distribute a confidential settlement agreement concerning Ms. Smith, did not
9 include a need to engage in a conspiracy to maliciously target Ms. Smith, and did not
10 include the need to attempt to insert Ms. Smith into an irrelevant and separate litigation.
11 Defendant cannot reasonably (or possibly) argue an alternative given the facts. Thus,
12 since defendant's only defense is to attempt to throw her legal status out in front of each
13 claim (even when it doesn't make any sense) and it is evident that defendant was not
14 acting a legal capacity when targeting Ms. Smith, as argued in Plaintiff's Leave to
15 Amend Complaint, the claim of civil conspiracy is plausible.

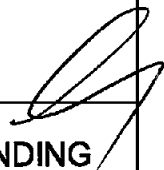
17 All of Ms. Smith's existing claims and proposed new claims were further
18 supported as probable by the evidence attached in her Opposition to the motions to
19 dismiss, which Ms. Smith contends she should be allowed to complete discovery as the
20 motions function as summary judgments laden with factual contentions.

21 **CONCLUSION**

22 Attorneys cannot blur the lines and hide behind privileges and exemptions when
23 they engage in gross misconduct. For the foregoing reasons, Ms. Smith contends that
24 Defendant's opposition to the motion for leave to amend fails and Ms. Smith should be
25 granted leave to amend her Complaint as attached to the Opposition, including the
26 addition of the proposed causes of action against defendant.
27

28 Dated this 29th day of August 2019

/s/ Latonia Smith
LATONIA SMITH
9748 CANYON LANDING
AVE.
LAS VEGAS, NV 89166



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CERTIFICATE OF SERVICE

I certify that I am serving a true and correct copy of the attached REPLY TO OPPOSITION on the parties set forth below

by:

_____ placing an original or true copy thereof in a sealed envelope with the correct prepaid postage affixed for collection and mailing in the United States Mail, at Las Vegas, Nevada.

 X Certified Mail, Return Receipt Requested of the document(s) listed above to the person(s) at the address(es) set forth below

_____ E-service

_____ Personal delivery through a process server of the document(s) listed above to the person(s) at the address(es) set forth below

Riley Clayton

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_____/s/ Latonia Smith

Plaintiff, In Proper Person

Dated this 29th day of August 2019